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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LAURA KOHRS,

Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.,
an Ohio Corporation; DOES I through X,
inclusive; and ROE BUSINESS ENTITIES XI
through XX, inclusive,

Defendants.

Case No.: 2:24-cv-02244-JAD-NJK

**STIPULATION TO EXTEND
DISCOVERY DEADLINES PURSUANT
TO LR 26-3**

(First Request)

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff LAURA KOHRS ("Kohrs") and Defendant SMITH'S FOOD & DRUG CENTERS, INC. ("Smiths"), by and through their respective counsel, that the discovery deadlines of this matter be continued for a period of sixty (60) days to allow the parties to complete discovery.

A. **STATEMENT SPECIFYING THE DISCOVERY THAT HAS BEEN COMPLETED.**

The parties participated in the Fed. R. Civ. P. 26(f) conference on January 3, 2025, and have served their initial Rule 26 Disclosures. The following is discovery that has been completed:

1. Defendant Smiths First Set of Request for Production of Documents to Plaintiff dated January 17th, 2025.

2. Defendant Smiths First Set of Interrogatories to Plaintiff dated January 17th, 2025.

3. Defendant Smiths First Set of Request for Admissions to Plaintiff dated January 17th, 2025.

- 1 4. Plaintiff Kohrs's Responses to Defendants First Set of Request for Production of
2 Documents dated February 14, 2025.
- 3 5. Plaintiff Kohrs's Responses to Defendants First Set of Interrogatories dated February 14,
4 2025.
- 5 6. Plaintiff Kohrs's Responses to Defendants First Set of Request for Admissions dated
6 February 13, 2025.
- 7 7. Plaintiffs First Set of Interrogatories to Defendant Smiths dated January 31, 2025.
- 8 8. Plaintiffs First Set of Request for Admission to Defendant Smiths dated January 31,
9 2025.
- 10 9. Plaintiffs First Set of Request for Production of Documents to Defendant Smiths dated
10 January 31, 2025.
- 11 10. Inspection of Subject Premises on February 26, 2025.

12 B. **SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE**
13 **COMPLETED.**

14 Currently at this time the following discovery has not taken place and/or is anticipated:

- 15 1. Deposition of Plaintiff Laura Kohrs (tentatively set for April 2, 2025)
- 16 2. Deposition of Smiths Employee Phillis Salazar (tentatively set for March 18, 2025)
- 17 3. Deposition of Smiths Employee Chris Bowman (tentatively set for March 25, 2025)
- 18 4. Deposition of the Store Manager of Defendant Smiths (name unknown)
- 19 5. Deposition of the Corporate Representative of Defendant Smiths (name unknown)
- 20 6. Depositions of Plaintiff's medical providers
- 21 7. Collection of medical records
- 22 8. Plaintiff's Initial Expert Disclosures
- 23 9. Defendant's Initial Expert Disclosures
- 24 10. Plaintiff's Rebuttal Expert Disclosures
- 25 11. Defendants Rebuttal Expert Disclosures
- 26 12. Depositions of Plaintiff's experts

- 1 13. Deposition of Defendant's experts
2 14. Other depositions, subpoenas and/or discovery that might be necessary

3 **C. REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED**
4 **WITHIN THE DEADLINES CONTAINED IN THE AMENDED DISCOVERY**
5 **SCHEDULING ORDER**

6 Local Rule 26-3 provides that a stipulation to extend discovery deadlines must be supported
7 by a showing of good cause. The parties represent that good cause exists for the Court to grant this
8 stipulation.

9 This case involves premises liability due to a trip and fall incident caused by a pothole in the
10 defendants' parking lot. The Plaintiff alleges that the parking lot had been poorly maintained for years,
11 ultimately leading to the fall.

12 On February 26, 2025, following an inspection, counsel for both parties discussed the need to
13 obtain the name of the "Store Manager or other Knowledgeable Representative(s)" of Smith's, as
14 identified in the Defendants' Initial FRCP 26 Disclosures. It is believed that this individual, as listed
15 in the Defendants' Initial FRCP 26 Disclosures, will provide testimony regarding the store's
16 operations, specifically its policies and procedures concerning customer safety and accident
17 prevention. Plaintiff's counsel emphasized the urgency of obtaining this name, as they intended to
18 file a Motion to Amend the Complaint to add the store manager before the current amendment
19 deadline of March 5, 2025.

20 Defense counsel indicated that this information would need to be formally requested through
21 written discovery. Plaintiff's counsel confirmed that written discovery requests had already been
22 served, with responses due by March 5, 2025.

23 On February 28, 2025, following up on the telephone conversation between counsel after the
24 inspection, Defendant asked Plaintiff if discovery requests had been served, to which Plaintiff's
25 counsel stated they had. Defense counsel had not received any of these requests, which included
26 requests for admissions, interrogatories, and requests for production. Defense counsel contends that
27 it received a packet of discovery responses in an envelope from Plaintiff around that date, but no
28 discovery requests were included with that packet. As such, the Parties agreed to a 30-day extension
 from that date for Defendant to respond to Plaintiff's discovery request. However, this extension

1 would result in a due date beyond the current deadline for amending the pleadings, making it difficult
 2 for the plaintiff to file the necessary motion.

3 For this reason, the parties are requesting an extension of all discovery deadlines for sixty (60)
 4 days.

5 **D. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.**

6 It is requested that all remaining discovery deadlines in this case be continued as follows:

<i>Discovery</i>	<i>Current Deadline</i>	<i>Proposed Deadline</i>
Amend Pleadings/Add Parties	March 5, 2025	May 5, 2025
Initial Expert Disclosures	April 4, 2025	June 4, 2025
Rebuttal Expert Disclosures	May 5, 2025	July 4, 2025
Discovery Cut-Off	June 3, 2025	August 4, 2025
Dispositive Motions	July 3, 2025	September 1, 2025
Pre-trial Order	August 4, 2025	October 3, 2025

15 DATED this 5th day of March, 2025. DATED this 5th day of March, 2025.

16 SHOOK & STONE, CHTD.

COOPER LEVENSON, PA

18 /s/ *John B. Shook, Esq.*

/s/ *Pooja Kumar, Esq.*

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Attorney for Defendant

23 Attorney for Plaintiff

24 IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

25 DATED: March 6, 2025